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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,307	12/19/2003	Jameel Ahmad	104990/143786	4361
7590	07/20/2005		EXAMINER	
Louis S. Sorell Goodwin Procter LLP 599 Lexington Avenue New York, NY 10022			JOHNSON, STEPHEN	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/741,307	AHMAD, JAMEEL	
	Examiner	Art Unit	
	Stephen M. Johnson	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7, 10-17 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7, 10-17 and 20-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3641

1. Claims 1-8 and 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, section (b), applicant claims "such that the mesh structure extends throughout the entire fill material". Mesh structure 211 surrounds the fill material 207. It does not extend throughout its entirety. Claims 27-30 contain equivalent language and are indefinite for the same reason as that given above.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 7, 10, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hu et al..

Hu et al. disclose a protective structure comprising :

- a) a mesh structure with inner annular space ; 76
- b) a concrete fill material; inside 76
- c) at least one reinforcement member; and 20, 38, 40
- d) a concrete face material. outside 76

4. Claims 1-2, 4-7, 10-12, 14-17, 20-22, and 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Feldman et al..

Feldman et al. disclose a protective structure comprising :

- a) a mesh structure with inner annular space ; 315, 316

- b) a concrete fill material; col. 6, lines 51-58; see fig. 16
- c) at least one reinforcement member; 311, 330, 331
- d) a concrete face material; col. 6, lines 54-58; see fig. 16
- e) 22 gauge steel with $\frac{1}{2}$ inch openings; and col. 4, lines 43-44
- f) a plurality of support members. 322 or col. 7, lines 10-26

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 13, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. in view of Weismann.

Feldman et al. apply as previously recited. However, undisclosed is a gage of 8, 10, 12, or 16. Weismann teaches a gage of 8, 10, 12, or 16, col. 2, lines 59-63. Applicant is substituting one gage of wire for another in an analogous art setting as explicitly encouraged by both the primary reference (Feldman et al., col. 4, lines 43-44) and the secondary reference (Weismann, col. 2, lines 59-63). It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Weismann to the Feldman et al. protective structure and have a protective structure with a different size of wire mesh.

7. Claims 1-2, 5-7, 10-12, 15-17, 20-22, and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon.

Gordon discloses a protective structure comprising :

- a) a mesh structure with inner annular space ; 18; col. 3, lines 20-22

- b) a concrete fill material; col. 4, lines 65-67
- c) at least one reinforcement member; 24
- d) a concrete face material; and col. 4, lines 65-67
- e) a plurality of support members. see fig. 3

8. Claims 29-30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 10-140697 discloses another state of the art protective structure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
July 18, 2005